

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 122, between lines 30 and 31, begin a new paragraph and
- 2 insert:
- 3 "SECTION 123. IC 6-2.1-1-2.1 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JANUARY 1, 2003]:
- 6 **Sec. 2.1 (a). In the case of taxpayers primarily engaged in**
- 7 **the business of producing, transmitting, furnishing, wholesaling, or**
- 8 **retailing:**
- 9 (1) electrical energy; or
- 10 (2) artificial gas, natural gas, or a mixture of natural and
- 11 artificial gas;
- 12 "gross income" means all the gross receipts a taxpayer receives
- 13 from the sale of utilities to a retail customer for consumption in
- 14 Indiana.
- 15 (b) Notwithstanding section 2 of this chapter and subsection
- 16 (a), the term "gross income" does not include:
- 17 (1) receipts from separately stated charges for transmission
- 18 of utilities;
- 19 (2) receipts from the furnishing or sale of utilities to a
- 20 taxpayer (as defined by IC 6-2.1-1-16) who resells such
- 21 utilities;
- 22 (3) receipts from separately stated charges for providing,
- 23 installing, constructing, servicing, removing, selling or
- 24 transferring tangible personal property;

1           (4) receipts from the sale, disposition or transfer of real  
2           property or intangible property;  
3           (5) receipts from the furnishing or sale of utilities to another  
4           public utility for use or consumption by that other public  
5           utility; or  
6           (6) any other receipts except those described in subsection  
7           (a).  
8           (c) For purposes of this section, a taxpayer is primarily  
9           engaged in a business described in subsection (a) if, during the  
10          taxable year, at least fifty percent (50%) of its receipts are derived  
11          from transactions described in subsection (a).".  
12          Page 124, between lines 10 and 11, begin a new paragraph and  
13          insert:  
14          "SECTION 126. IC 6-2.1-1-16.5 IS ADDED TO THE  
15          INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
16          [EFFECTIVE JANUARY 1, 2003]:  
17          **Sec. 16.5. "Utilities" means electrical energy, natural or**  
18          **artificial gas or a mixture thereof."**  
19          Page 124, line 28, after "chapter" insert "**by taxpayers not**  
20          **described in IC 6-2.1-1-2.1**".  
21          Page 124, line 29, after "(1.6%)." insert "**The receipt of gross**  
22          **income by taxpayers described in IC 6-2.1-1-2.1 is subject to a tax**  
23          **rate of one and forty eight hundredths percent (1.48%)**".  
24          Renumber all SECTIONS consecutively.  
        (Reference is to HB 1001 (ss) as printed June 3, 2002.)

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Representative MAHERN